

In the Claims:

Please amend the claims as follows:

Claim 15 (Currently Amended) A combination of a wall unit form and a wall formed inside therein unit , the combination comprising:

a first surface, formed by an interior surface of a first wall panel;

a second surface operatively attached to said first surface, said second surface formed by an interior surface of a second wall panel;

end surfaces operatively attached to said first and second surfaces thereby forming an upright form and opposing sides, said end surfaces formed by interior surfaces of end wall panels;

wherein at least one of said first, second and end surfaces ~~simultaneously provides only horizontal~~ horizontally supports to a plurality of ~~layers of~~ irregularly-shaped discrete veneer components stacked vertically from the ground surface up against at least one panel, wherein the wall is formed during a single pour application of a binding material to the wall unit form ; ~~thereby forming at least one wall unit having a substantially vertical surface of said plurality of layers of discrete components; and~~

further wherein at least of one of said first, second and end ~~surfaces~~ panels is configured to be removably attached from one another to facilitate entry into a volume defined by the upright form, wherein said entry ~~being during~~ allows for placement of said plurality of irregularly-shaped discrete components.

Claim 16. (Currently amended) The ~~wall-unit form and wall-unit~~ combination of claim 15, wherein at least one of the first surface, the second surface, and the end surfaces ~~is~~ characterized by has a nonrectangular aspect.

Claim 17. (Currently amended) The ~~wall-unit form and wall-unit~~ combination of claim 15, wherein at least one of the first surface, the second surface, and the end surfaces ~~is~~ characterized by has curvilinear edges.

Claim 18. (Currently amended) The ~~wall-unit form and wall-unit~~ combination of claim 15, further including said second and said end surfaces being hingedly attached to said first surface.

Claim 19. (Currently amended) The ~~wall-unit form and wall-unit~~ combination of claim 15, further including a volume which will produce an integral footing when filled.

Claim 20. (Currently amended) The ~~wall-unit form and wall-unit~~ combination of claim 15, further including a pocket structure operatively attached to at least one of said surfaces.

Claim 21. (Currently amended) The ~~wall-unit form and wall-unit~~ combination of claim 19, further including an integral-footing-producing volume having radiused corners.

REMARKS

Claims 15-21 are pending in the application.

Claims 15-21 are rejected.

Specification

The specification has been amended to include the term “from the ground up” and “irregular shapes,” both of which are fully supported by the specification as filed. The term “from the ground up” has been added to both the claims and the specification and is supported by the language “stacked vertically” originally filed in the specification.

The term “irregular shapes” has been added to the claims, but was present at the time of filing inherently in the language of the specification describing the properties of the discreet veneer components and in figures 4 and 9 that clearly shows random patterns of different shaped components. The clearest showing of the irregularly shaped discreet components is displayed in figure 9. Therefore, the amendment to paragraph [0042] does not constitute new matter.

Rejections Under 35 U.S.C. 112

Claims 15-21 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement, and under 35 U.S.C. 112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant amends claims 15-21 to more particularly point out the invention and to address the rejections, the claims as currently amended are fully supported by the specification. The applicant respectfully requests reconsideration and removal of the rejections under 35 U.S.C. 112 of claims 15-21 in light of the amendments.

Rejections Under 35 U.S.C. 102

Claims 15, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,032,424 to Dial, Jr. Claim 15 has been amended to more particularly point out what the applicant considers to be the invention. Claim 15 now includes the limitation that the panel allows access for the placement of a plurality of discrete irregular shaped components stacked from the ground up that is formed into the wall unit. The applicant claims the article of manufacture of the intermediary product present after the wall is formed, but before the forms are removed. The Dial '424 patent is silent about the placement and the inclusion of surface features of irregular shapes such as natural stones on a vertical surface. The '424 patent teaches the placement of regular shaped bricks into "*outside mold wall 66 defines block openings 62.*" Therefore, the anticipation rejection of the '424 patent is now improper because it does not teach each and every element of claims 15, 19 and 20 as currently amended. The applicant respectfully requests reconsideration and removal of the anticipation rejection of claims 15, 19 and 20.

Claims 15, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 1,809,504 to Carvel. Claims 15 and 18-20 have been amended to more particularly point out what the applicant considers to be the invention. The Carvel '504 patent is silent regarding the presence of a form to allow access to create a wall surface from a plurality of discreet layers made from irregularly-shaped veneer components in the vertical direction stacked from the ground up. The claim is directed to the wall unit form and the wall structure itself inside as a combination structure. The claim does not include any processing steps, but the structural features of the combination of the wall form and wall therein. The '504 patent teaches the use of regular rectangle shaped bricks that are stacked with spacers, not the applicants irregular-shaped

veneer components. The regular shapes and spacers of the '504 patent would allow vertical stacking of the components before the form is fixed around the wall fascia. Regardless, the '504 patent is silent regarding the removal of a panel for access to form a wall having an irregular-shaped veneer surface. The applicant respectfully requests reconsideration and that the rejection of claims 15 and 18-20 be removed for failing to teach each and every element as now amended.

Claim Rejections Under 35 U.S.C. 103

Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. '424 or Carvel '504 in view of USPN 5,511,761 to Schultz. Claims 19 and 21 include the limitation requiring the panels on the form to allow access to place irregularly-shaped veneer components on a vertical axis stacked from the ground up. The language of the claim has been clarified to ensure that it is not treated as a processing step, but as a structural feature of the combination of the wall form and wall therein as intended by the applicant. As discussed above both the Dial '424 patent and the Carvel '504 patent are silent regarding this feature of a vertically stacked irregular shaped veneer surface. The Schultz '761 patent teaches that the wall is made with regular repeating shapes, not having a veneer of irregularly-shaped components as claimed by the applicant. The addition of the '761 patent therefore fails to address the lack of teaching to access to a wall face to vertically stack and arrange the irregular veneer components. The applicant respectfully requests reconsideration and removal of the obviousness rejections of claims 19 and 21.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dial, Jr. '424 or Carvel '504 in view of USPN 3,116,570 to Torricelli. Claims 16 and 17 include the limitation of access to a wall face and the placement of irregular-shaped veneer components in

the wall formed. As discussed above neither the '424 or '504 patents address this novel feature. The addition of the '570 patent also fails to address this deficiency involving the vertically stacked irregularly-shaped feature. The applicant therefore respectfully requests reconsideration and removal of the obviousness rejection for failing to teach each and every element of claims 16 and 17.

Rejections Under Obviousness Type Double Patenting

Claims 15-21 are also rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 13-19 of U.S. Patent No. 6, 629,395. The Statutory disclaimer fee under 37 CFR 1.20(d) was submitted and paid on May 24, 2005 and accepted by the USPTO. The applicant respectfully requests reconsideration and removal of the Double Patenting rejection in light of the previously filed terminal disclaimer.

CONCLUSION

Based on the preceding arguments, Applicant respectfully submits that claims 15-21 and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes anything further would be helpful to place the application in better condition for allowance, Applicant invites Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 19-0513 for any additional fee required.

Date: April 21, 2006

Respectfully submitted,

/Jeffrey D. Washville/

Reg. No. 46,366
Schmeiser, Olsen & Watts
22 Century Hill Drive - Suite 302
Latham, N.Y. 12110
(518) 220-1850